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WASHINGTON DC 20037

In re Application of	:	
CLAVEAU	:	DECISION ON PETITIONS
U.S. Application No.: 10/562,317	:	
PCT No.: PCT/FR04/01597	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 24 June 2004	:	
Priority Date: 24 June 2003	:	AND 37 CFR 1.137(b)
Atty Docket No.: 113035-00135	:	
For: METHOD AND DEVICE FOR MARKING :	:	
LONG OBJECTS BY SUBLIMATION :	:	

This decision is in response to applicant's petitions filed 27 November 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 24 June 2004, applicant filed international application PCT/FR04/01597, which claimed priority of an earlier application filed 24 June 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 06 January 2005. Pursuant to 37 CFR 1.485, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 24 December 2005.

On 23 December 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 01 February 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. In addition, applicant was advised of the need to furnish an English translation of the international application as filed. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 02 April 2007, applicant filed a response which included an executed declaration of the inventors and an English translation of the international application as filed.

On 14 September 2007, applicant was mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) informing applicant that the filed declaration was

defective in that it did not list, nor was it executed by, Jean-Francois Chalumeau, who was identified as an inventor on the published international application. Applicant was afforded one month or the extendable time remaining from the Form PCT/DO/EO/905 to file a proper response.

On 27 November 2007, applicant responded with the present petition to revive under 37 CFR 1.137(b), which included as part of the proper reply a petition under 37 CFR 1.497(d) to delete Jean-Francois Chalumeau as an inventor.

DISCUSSION

I. Petition Under 37 CFR 1.497(d)

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Jean-Francois Chalumeau declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), on 04 January 2008, applicant filed a declaration executed by the sole inventor as corrected.

As Item (3), payment of the \$130.00 petition fee will be charged to deposit account 23-2185 as authorized.

Regarding Item (4), applicant has provided a statement from the assignee consenting to the removal of Jean-Francois Chalumeau as an inventor in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

II. Petition Under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the

grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Item 4 does not apply to the present application.

As to item 1, applicant has now provided a grantable petition under 37 CFR 1.497(d) to delete Jean-Francois Chalumeau as an inventor, thus perfecting the declaration filed 02 April 2007.

Regarding item 2, applicant has provided payment of the appropriate petition fee.

As to item 3, applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

With the filing of the grantable petition, the proper reply to the Form PCT/DO/EO/905 mailed 01 February 2007 has been provided and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) and petition under 37 CFR 1.137(b) are **GRANTED**.

This application has an international application filing date of 24 June 2004 and will be given a date of **02 April 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision



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